



10545 Armstrong Avenue

Mather, CA 95655

Tele: [916] 876-6000

Fax: [916] 876-6160

Website: www.srcsd.com

June 7, 2006

Mr. Danny McClure
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Dear Mr. McClure:

Board of Directors

Representing:

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

City of Folsom

City of Rancho Cordova

City of Sacramento

City of West Sacramento

Mary K. Snyder
District Engineer

Stan R. Dean
Plant Manager

Wendell H. Kido
District Manager

Marcia Maurer
Chief Financial Officer

The Sacramento Regional County Sanitation District (SRCSD) has reviewed the April 2006 Public Review Draft of the Central Valley Regional Water Quality Control Board's *Amendments to the Water Quality Control Plan for the Sacramento River and San Joaquin River Basins for the Control of Diazinon and Chlorpyrifos Runoff into the Sacramento-San Joaquin Delta*. Based on our review, we have a few issues of concern regarding the proposed Basin Plan Amendment.

Comment No. 1 Cost Estimate to NPDES Permittees

Section 9.3 estimates costs to NPDES permittees. The analysis claims that because urban uses of diazinon and chlorpyrifos have been phased out, there should not be any additional costs for NPDES permittees associated with meeting the waste load allocations. However, the District is concerned that there is not enough information available for the Regional Board to make this statement with such certainty. In fact, page 23 of the report identifies a major concern with available data for chlorpyrifos. The report recognizes that the analytical detection limits for chlorpyrifos are actually above the proposed objective as recommended in the report. Due to the uncertainty associated with analytical detection limits, the lack of data supporting the economic analysis statement, and the fact that urban chlorpyrifos uses have only been partially phased out, the Regional Board should re-evaluate the potential costs to NPDES permittees if in fact they cannot meet the proposed waste load allocations.

Comment No. 2 Discharge Prohibitions Should Not Apply if Permittee Governed by Individual or General NPDES Permits

The language in *Chapter IV, Implementation* of the proposed Basin Plan Amendment states that the discharge prohibitions do not apply if the discharge of diazinon or chlorpyrifos is governed by individual or general waste discharge requirements. This language does not specify the Regional Board's interpretation that individual waste discharge requirements include NPDES permits. While the District understands the Regional Board's intent, it is imperative that this be spelled out in the adopted Basin Plan Amendment language.

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Comment No. 3 Allow Dilution Credit and Use of Appropriate Modeling Methods If Assimilative Capacity Available

The Delta Waterways Loading Capacity and the waste load allocation provisions of the proposed Amendment do not appear to allow for dilution should it be shown that there is assimilative capacity for diazinon and chlorpyrifos. When effluent limitations are established in NPDES permits, a permittee may show that available assimilative capacity exists by reviewing the ambient data. In fact, the State Water Resources Control Board has opined that when establishing effluent limitations, Regional Water boards must review available ambient data and make findings dependent upon that data to determine the availability of assimilative capacity. (State Board Order WQO 2004-0013, page 14) Since waste load allocations often become effluent limits in NPDES permits, the Delta Loading Capacity calculation should allow for dilution when assimilative capacity has been shown to exist. This is consistent with the rationale contained in the State Board's decision discussed above. If assimilative capacity has been shown to exist, the proposed Amendment should allow the use of appropriate modeling methods to develop effluent limitations.

Thank you again for allowing us the opportunity to comment.

Sincerely,



Wendell H. Kido
District Manager

cc: Ruben Robles
Robert Seyfried
Kristi Walters
Terrie Mitchell
Glen Del Sarto
Tom Grovhoug, LWA
Tess Dunham, LWA